

Gangtok Wednesday 24th May, 2006 No. 145

Dated : 11.5.2006.

The Chief Justice of the High Court of Sikkim in exercise of the inherent powers conferred under Article 229 of the Constitution of India and all other powers enabling him in this behalf is pleased to make the following Rules further to amend the High Court of Sikkim (Recruitment, Conditions of Service and Conduct) Rules, 1998.

1. (i) These Rules may be called "The High Court of Sikkim (Recruitment, Conditions of Service and Conduct) Amendment Rules, 2006".

- (ii) They shall come into force at once.

2. In the High Court of Sikkim (Recruitment, Conditions of Service and Conduct) Rules, 1998, herein after referred to as the said rules.

The existing Rule 2(a) be deleted and the existing **Clauses 'b' to 'r'** of the said **Rule** be renumbered as '**a'**' to '**q'**' respectively.

In place of the existing entries of **Rule 11 (1)** the following shall be substituted.

“All matters of appointment, promotions and seniority of the members of the Non-Gazetted staff of the High Court Establishment shall be decided by the Chief Justice or such other Judge as nominated by the Chief justice or by the Registrar General, if so authorized, and those of the Gazetted staff by the Chief Justice or such other Judge as nominated by the Chief Justice.”

In place of the existing entries of **Rule 12-Appeals** the following shall be substituted.

"An appeal shall lie against all orders passed by the Registrar General under the foregoing rules, to the Chief Justice, who may either dispose it of himself or make it over to any other Judge nominated by him. If an order is passed by any other Judge nominated by him, an appeal shall lie before two Judges comprising the Chief

Justice and the remaining Judge. The order of the Chief Justice passed whether in appeal or at the first instance shall be final, subject to the power of review, which may be exercised in exceptional cases of hardship or injustice."

Rule 13

In place of the existing Schedule of **Rule 13(1) (III)** the following Schedule shall be substituted.

Class of Officer	Disciplinary Authority	Powers to exercise	Appellate Authority
Gazetted Grade	Any other Judge nominated by the Chief Justice or the Chief Justice	All	If the order is passed by the Judge nominated by the Chief Justice, before two Judges comprising the Chief Justice and the remaining Judge, and if the order is passed by the Chief Justice, before the Full Court.
Non-Gazetted Grade	Any other Judge nominated by the Chief Justice or the Registrar General, if so authorised.	All	If the order is passed by the Judge nominated by the Chief Justice, before two Judges comprising the Chief Justice and the remaining Judge, and if the order is passed by the Registrar General, before the Chief Justice.

In place of the existing entries of **Rule 13(2)** the following shall be substituted.

"Nothing in these rules shall debar the Chief Justice from altering on appeal or otherwise an order of punishment, including adverse remarks recorded in a character role or of appointment not provided for above which may be passed by the Registrar General or if the order is passed by the Judge nominated by the Chief Justice then before two Judges comprising the Chief Justice and the remaining Judge."

By Order.

**REGISTRAR GENERAL
HIGH COURT OF SIKKIM**